

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DIGITAL CHOICE OF TEXAS, LLC

Plaintiff,

v.

SICHUAN CHANGHONG ELECTRIC CO., LTD.,

ET AL.

Defendants

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CIVIL ACTION No. 2:05-CV-195

DESAY A&V (USA), INC.'S ANSWER TO THE COMPLAINT

For its Answer to Plaintiff's Original Complaint ("Complaint"), Defendant Desay A&V (USA), Inc. ("Desay") answers the Complaint as follows:

NATURE OF THE ACTION

1. Desay admits that this is a patent infringement action related to U.S. Patent No. 5,172,111. entitled "Stored Media Screening Device." Desay denies the remaining allegations in paragraph 1 of the Complaint.

PARTIES

2. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 2 of the Complaint and therefore denies them.

3. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 3 of the Complaint and therefore denies them.

4. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 4 of the Complaint and therefore denies them.

5. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 5 of the Complaint and therefore denies them.

6. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 6 of the Complaint and therefore denies them.

7. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 7 of the Complaint and therefore denies them.

8. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 8 of the Complaint and therefore denies them.

9. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 9 of the Complaint and therefore denies them.

10. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 10 of the Complaint and therefore denies them.

11. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 11 of the Complaint and therefore denies them.

12. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 12 of the Complaint and therefore denies them.

13. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 13 of the Complaint and therefore denies them.

14. Desay admits the allegation of paragraph 14 of the Complaint.

15. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 15 of the Complaint and therefore denies them.

16. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 16 of the Complaint and therefore denies them.

17. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 17 of the Complaint and therefore denies them.

18. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 18 of the Complaint and therefore denies them.

19. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 19 of the Complaint and therefore denies them.

20. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 20 of the Complaint and therefore denies them.

21. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 21 of the Complaint and therefore denies them.

22. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 22 of the Complaint and therefore denies them.

23. Desay is without sufficient information to form a belief as to the truth of the allegation in Paragraph 23 of the Complaint and therefore denies them.

24. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 24 of the Complaint and therefore denies them.

25. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 25 of the Complaint and therefore denies them.

26. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 26 of the Complaint and therefore denies them.

27. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 27 of the Complaint and therefore denies them.

28. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 28 of the Complaint and therefore denies them.

29. Desay admits that Radio Shack has sold DVD players imported by Desay, and is without sufficient information to form a belief as to the truth of the remaining allegations in paragraph 29 of the Complaint and therefore denies them.

30. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 30 of the Complaint and therefore denies them.

31. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 31 of the Complaint and therefore denies them.

32. Desay is without sufficient information to form a belief as to the truth of the allegations in paragraph 32 of the Complaint and therefore denies them.

JURISDICTION AND VENUE

33. Desay admits the allegations in paragraph 33 of the Complaint.

34. Desay denies that the Court has personal jurisdiction over Desay. As to the other defendants, Desay is without sufficient information to form a belief as to the truth of the allegations regarding jurisdiction and therefore denies those allegations.

Desay denies the remaining allegations in paragraph 34 of the Complaint.

35. Desay denies the allegations in paragraph 35 of the Complaint.

COUNT 1

36. Desay repeats and realleges the responses and allegations in paragraphs 1 through 35 above as though fully set forth herein.

37. Desay admits that U.S. Patent No. 5,172,111 issued on December 15, 1992. Desay further admits that the Reexamination Certificate issued on September 16,

2003. Desay is without sufficient information to form a belief as to the truth of the remaining allegations in paragraph 37 of the Complaint and therefore denies them.

38. Desay denies the allegations in paragraph 38 as to Desay. Desay is without sufficient information to form a belief as to the truth of the remaining allegations in paragraph 38 of the Complaint and therefore denies them.

39. Desay denies the allegations in paragraph 39 as to Desay. Desay is without sufficient information to form a belief as to the truth of the remaining allegations in paragraph 39 of the Complaint and therefore denies them.

40. Desay denies the allegations in paragraph 40 as to Desay. Desay is without sufficient information to form a belief as to the truth of the remaining allegations in paragraph 40 of the Complaint and therefore denies them.

41. Desay denies the allegations in paragraph 41 as to Desay. Desay is without sufficient information to form a belief as to the truth of the remaining allegations in paragraph 41 of the Complaint and therefore denies them.

AFFIRMATIVE DEFENSES

44. Plaintiffs' claims are barred by laches.

45. This complaint is improper because the Court does not have personal jurisdiction over Desay and this is an improper venue.

46. Plaintiffs' claims are barred by equitable estoppel.

47. One or more of the asserted claims of U.S. Patent No. 5,172,111 is invalid under chapters 10 or 11 of the Patent Act.

48. Desay reserves the right to assert additional affirmative defenses and counterclaims after further investigation, including defenses relating to validity and enforceability.

PRAYER FOR RELIEF

FOR THESE REASONS, Desay A&V (USA), Inc. respectfully requests that this Court enter judgment in its favor and grant the following relief:

- a. Digital Choice of Texas, LLC. be denied all requested relief: and
- b. the Complaint be dismissed with prejudice:

Respectfully submitted,

Date: November 8, 2005

/s/ Robert R. Roby

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Attorneys for Defendant,
Desay A&V (USA), Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically on the 8th day of November, 2005, in compliance with Local Rule CV-5(a) and has been served on all counsel who have consented to electronic service and all other counsel by regular mail.

/s/ Robert R. Roby
ROBERT R. ROBY